

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q62804

Hiroshi KODAMA, et al.

Appln. No.: 09/768,512

Group Art Unit: 1764

Confirmation No.: 5316

Examiner: Thanh P. DUONG

Filed: January 25, 2001

For: METALLIC CARRIER FOR CATALYTIC CONVERTER

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated October 4, 2006. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1, 2, 6-8 and 10-14 are pending, of which claims 11-14 are withdrawn from consideration as being directed to a non-elected invention.

Claims 1, 2, 6-8 and 10 stand rejected and are the basis of this Appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 2, 6, 7, 8 and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

B. Claims 1, 2, 6, 7, 8 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

C. Claims 1, 2, 6, 7, 8 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,948,774 or U.S. Patent No. 5,026,611 to Usui (i.e., Usui '774 or Usui '611) in view of JP 08-141413 to Shimada ("Shimada") and U.S. Patent No. 4,248,186 to Nonnenmann et al. ("Nonnenmann").

ARGUMENT

The Examiner's arguments, in the October 4, 2006 Examiner's Answer, are similar to arguments previously presented in the October 19, 2005 Final Office Action. Accordingly, Appellant stands by the arguments presented in the April 3, 2006 Appeal Brief.

Appellant provides the following comments, however, in regard to the Examiner's statement in item (2) on page 9 of the Examiner's Answer. In particular, the Examiner refers to Appellant's arguments with regard to the fine recesses 7 of Usui '611. Appellant argued, on page 13 of the Appeal Brief, that Usui '611 specifically recites that the molten brazing material is to penetrate, "uniformly over the entire areas of contact between the metal casing 6 and the honeycomb core structure 2 by capillary of the fine recesses 7, thereby joining these two members reliably" (col. 6, lines 36-41 of Usui '611) (emphasis added). On page 9 of the Examiner's Answer, the Examiner responds to this statement by maintaining that the grooves 7 of Usui are used to retain all brazing material 8 when melted and to prevent melted brazing material from flowing out of the carrier. Based on such statement, it appears that the Examiner is attempting to maintain that when melted, the brazing material 8 does not flow out of the grooves 7.

As support for the Examiner's position, the Examiner refers to column 5, lines 12-18 of Usui '611. The cited portion of Usui '611, however, fails to disclose that the grooves 7 hold all melted brazing material 8. Rather, the cited portion merely discloses, for example, that, "the fine recesses 7 may be formed on the inner wall of the casing 6 over its entire area in a variety of

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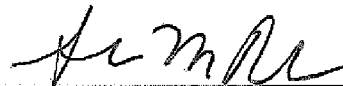
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patterns shown in FIGS. 3 through 10.” Therefore, the cited portion is merely directed towards the patterns formed by the grooves 7. There is no teaching or suggestion that “all” melted brazing material is retained in the grooves 7 (i.e., does not flow out of the grooves), as maintained by the Examiner. Rather, the molten brazing material will penetrate the entire areas of contact between the metal casing 6 and the honeycomb structure 2. Thus, Appellant stands by the arguments previously presented in the Appeal Brief.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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